IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6908 of 2005

Between:

K.Jagadiswara Reddy, s/o Kantha Reddy,
r/o T.S.Gudur Village, Nandavaram Mandal, Kurnool District.

..... PETITIONER

AND

The Assistant Divisional Engineer Operation, Central Power Distribution Company of Andhra Pradesh
Limited, Yemmiganur, Kurnool District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring demand of half of the estimated value of pilfered energy and compounding charges and seeking to disconnect the service connection bearing No.292 during the enquiry in pursuance of provisional assessment notice Lr.No.ADE/O/YGR/SBE/F.DOC/D.No.2697/2005 dt.26-2-2005 as illegal, arbitrary and without jurisdiction and direct the respondent not to disconnect the service connection bearing No.292 pending enquiry, and pass such other or further order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondent No.: MR.M.SREERAMULU REDDY

The Court at the stage of admission made the following :

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ORDER:.

Heard both sides and at their request, this Writ Petition is taken up for disposal at the stage of admission.

This Writ Petition is filed for issuance of writ particularly in the nature of Writ of Mandamus, declaring the demand of half of the estimated value of pilfered energy and compounding charges and seeking to disconnect the service connection bearing No. 292 during enquiry in pursuance of provisional assessment notice Lr.No. ADE/O/YGR/SBE/F. Doc/D.No. 2697/2005 dated 26.2.2005 as illegal arbitrary and direct the respondent not to disconnect the service connection of the petitioner bearing No. 292 pending enquiry.

The issue in this Writ Petition had already fallen for consideration in W.A.Nos. 452 and 477 of 2004 and a Division Bench of this court by an order dated 11.3.2004 held as follows:

“As such the notices dated 7.1.2004 will be deemed to have been issued only under Section 126 of the Electricity Act under which there is no authority or power to respondents to discontinue or disconnect the electricity supply or call upon the appellants to pay even part of the provisional assessment amount till final assessment is made. Only on the appellants not complying with the final assessment orders, the respondents can proceed further in the matter and that will also be subject to the appeals to be filed by the appellants.”

In view of the above judgment of the Division Bench, this Writ Petition is also liable to be allowed.

Accordingly, the Writ Petition is allowed in terms of the above judgment of the

Division Bench. No costs.

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D.S.R. VARMA, J

DATED: 31.03.2005

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Note: Furnish copy in three days.

To

1. The Assistant Divisional Engineer Operation, Central Power Distribution Company of Andhra Pradesh
Limited, Yemmiganur, Kurnool District.

2. Two CD copies.

3. 1 CC to MR.GANGA RAMI REDDY